

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

RONALD R. FARIES

vs.

**LAW OFFICE OF
DAVID W. GHISALBERT**

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CIVIL ACTION NO. 4:24-CV-00582-Y

**DEFENDANT’S OBJECTIONS TO PLAINTIFF’S
MOTION TO EXTEND TIME TO RESPOND TO DEFENDANT’S
RULE 12(B)(3) MOTION TO DISMISS LAWSUIT,
OR IN THE ALTERNATIVE, DEFENDANT’S MOTION TO
TRANSFER VENUE UNDER 28 U. S. C. §1404(a)**

**TO THE HONORABLE TERRY R. MEANS, SENIOR UNITED STATES DISTRICT
COURT JUDGE:**

COMES NOW, Defendant Law Office of David W. Ghisalbert (the “Defendant”), who files this Objection to the Plaintiff’s Motion to Extend Time (Doc. 9) to Respond to Defendant’s Motion under Fed. R. Civ. P. 12(b)(3) to Dismiss this Lawsuit due to an improper forum, or in the alternative, Defendant’s Motion to Transfer Venue to the United States District Court for the Southern District of Texas, Houston Division, in furtherance of 28 U.S.C. §1404(a). In support thereof, Defendant would respectfully show unto the Court as follows:

I.

PLAINTIFF’S COUNSEL ARE NOT AUTHORIZED TO APPEAR HEREIN

1. Defendant filed a motion under Rule 12(b)(3) to dismiss this lawsuit due to improper venue on July 16, 2024 (Doc. 7). Under Fed. R. Civ. P. 12 and L.R. 7.1(e), Plaintiff’s response to the motion was due for filing with the Court by August 6, 2024. The motion to extend time (Doc. 9) was filed on August 6, 2024 by an attorney, on behalf of the Plaintiff, who does not appear to be authorized to appear in this lawsuit.

2. On August 6, 2024, a non-Texas licensed attorney, Alexander J. Taylor, appeared for the first time in this lawsuit ostensibly on behalf of the Plaintiff (Doc. 8). That attorney does not appear to be licensed by the State of Texas. Moreover, that attorney did not seek to appear for the Plaintiff in this case on a *pro hac vice* basis, and Plaintiff has failed to designate local co-counsel for his presumably retained out-of-state law firm.

3. Plaintiff's lawsuit was previously filed by an out-of-state law firm on June 21, 2024 (Doc. 1). The attorney who signed off on Plaintiff's complaint, Mohammed O. Badwan, likewise does not appear to be admitted to practice in the State of Texas, and he also failed to seek authority to appear in this case via a motion to appear *pro hac vice*.

4. While Plaintiff can choose whomever he wishes to appear on his behalf, his retained counsel must still adhere to the rules governing appearances in a Texas lawsuit. Plaintiff's attorneys, Mohammed O. Badwan and Alexander J. Taylor, who are presumably licensed to practice in the State of Illinois, and members of an Illinois Law Firm, Sulaiman Law Group Ltd., do not appear to be admitted to practice in the State of Texas or before this Honorable Court, and they have not sought leave to appear in this case. Hence, they may not file any pleadings or documents on behalf of the Plaintiff in this case until such time as they are authorized to appear herein.

5. In order to practice in this lawsuit, Plaintiff's counsel must obtain leave of this Honorable Court to appear herein via either admittance to the Northern District of Texas, or via a motion to appear *pro hac vice*, which would also require Plaintiff to retain local co-counsel. Since Plaintiff's counsel has failed to take either of these steps, they are not authorized to appear in this case on behalf of the Plaintiff. Accordingly, the motion to extend time to file a response to Defendant's Motion to Dismiss (Doc. 9) was improperly filed, and must be struck.

6. For the reasons set forth herein, Defendant hereby objects to the motion to extend time to file a response to Defendant's motion to dismiss. Defendant further requests the motion to extend time to be struck from the record of this civil action.

WHEREFORE, PREMISES CONSIDERED, Defendant Law Office of David W. Ghisalbert prays for the Court to strike Plaintiff's motion to extend time to file a response to Defendant's motion filed under Fed. R. Civ. P. 12(b)(3); and for such other and further relief as the Court deems just.

Respectfully submitted this 7th day of August, 2024.

LAW OFFICE OF DAVID W. GHISALBERT

By: / S / D.W. Ghisalbert

David W. Ghisalbert

Texas Bar No. 24043687

Federal ID No. 21818

5907 Bonita Creek

Missouri City, Texas 77459

(713) 808-9697 [telephone]

(713) 893-6942 [facsimile]

dghisalbert@dwglawoffice.com [email]

COUNSEL FOR DEFENDANT,

LAW OFFICE OF DAVID W. GHISALBERT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Defendant's foregoing Objection to the Plaintiff's Motion to Extend Time to Respond to Defendant's Motion under Fed. R. Civ. P. 12(b)(3) to Dismiss this Lawsuit was served by either electronic document service (*e-serve*), email, facsimile transmission, or via certified first-class United States mail, postage pre-paid and return receipt requested upon Counsel for the Plaintiff, at the address reflected in the service list below, on this the 7th day of August, 2024.

/ S / D.W. Ghisalbert
David W. Ghisalbert

Service List:

Mohammad O. Badwan
Sulaiman Law Group, Ltd.
2500 S Highland Avenue, Suite 200
Lombard, Illinois 60148
(630) 575-8188 [facsimile]
mbadwan@sulaimanlaw.com [email]

Alexander J. Taylor
Sulaiman Law Group, Ltd.
2500 S Highland Avenue, Suite 200
Lombard, Illinois 60148
(630) 575-8188 [facsimile]
ataylor@sulaimanlaw.com [email]

COUNSEL FOR PLAINTIFF,
RONALD R. FARIES